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of Doc # 750

Summary of alleged secret protocols to Sino-Japanese Treaty of
December 22, 1905.

Whereas the protocols of the Conference recently held between the plenipotentiaries of Japan and China with regard to Manchuria are to be kept strictly secret in deference to the desire of the Chinese government, only such portions of those protocols as possess the character of executory agreements are given in the following summary.

1. The railway between Changchun and Yirin will be constructed by China with capital to be raised by herself. She, however, agrees to borrow from Japan the insufficient amount of capital, which amount being about one-half of the total sum required. The contract concerning the loan shall, in due time, be concluded, following, *mutatis mutandis*, the loan contract entered into between the board of the Imperial Railways of North China and the Anglo-Chinese syndicate. The term of the loan shall be twenty-five years, redeemable in yearly instalments.

2. The military railway constructed by Japan between Mukden and Hsinnintun shall be sold to China at a price to be fairly determined in consultation by Commissioners appointed for the purpose by the two governments. China engages to reconstruct the line, making it her own railway, and to borrow from a Japanese corporation or corporations one half of the capital required for the portion of the line east of Liao-ho for a term of eighteen years repayable in yearly instalments, and a contract shall be concluded, for the purpose following, *mutatis mutandis*, the loan contract entered into between the Board of the Imperial Railways of North China and the Anglo-Chinese Syndicate.

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"All the other military railways in different localities shall be removed with the evacuation of the regions.

"3. The Chinese Government engage, for the purpose of protecting the interest of the South Manchurian railway, not to construct, prior to the recovery by them of the said railway, any main line in the neighborhood of and parallel to that railway, or any branch line which might be prejudicial to the interest of the above-mentioned railway.

"4. China declares that she will adopt sufficient measures for securing Russia's faithful observance of the Russo-Chinese treaties with regard to the railways which Russia continues to possess in the northern part of Manchuria, and that it is her intention, in case Russia acts in contravention of such treaty stipulations, to approach her strongly with a view to have such action fully rectified.

"5. When in the future, negotiations are to be opened between Japan and Russia for regulation of the connecting railway services (Article VIII of the Treaty of Peace between Japan and Russia), Japan shall give China previous notice. China shall communicate to Russia her desire to take part in the negotiations through commissioners to be despatched by her on the occasion, and Russia consenting shall participate in such negotiations.

"6. With regard to the mines in the Province of Fengtien, appertaining to the railway, whether already worked or not, fair and detailed arrangements shall be agreed upon for mutual observance.

"7. The affairs relating to the connecting services as well as those of common concern in respect of the telegraph lines in the Province of Fengtien and the cables between Port Arthur and Yantai

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shall be arranged from time to time as necessity may arise in consultation between the two countries.

"8. the negotiations respecting the places to be opened in Manchuria, shall be made by China herself, but the Japanese Minister at Peking must be previously consulted regarding the matter.

"9. If no objection be offered on the part of Russia respecting to the navigation of the gorges (by Japanese vessels), China shall consent to such navigation after negotiations.

"10. the Chinese plenipotentiaries declare that immediately after the withdrawal of the Japanese and Russian troops from Manchuria China will proceed to take, in virtue of her sovereign right, full administrative measures to guarantee peace in that region and endeavor by the same right, to promote good and remove evil as well as steadily to restore order, so that the residents of that region, natives and foreigners, may equally enjoy the security of life and occupation under the perfect protection of the Chinese government. As to the means of restoring order, the Chinese government are to take by themselves all adequate measures.

"11. While relations of intimate friendship subsisted as at the present time between China and Japan, Japan and Russia had unfortunately engaged in war and fought in the territory of China. But peace has now been reestablished and hostilities in Manchuria have ceased. And while it is undeniable that Japanese troops, before their withdrawal, have the power of exercising the rights accruing from military occupation, the Chinese government declare that certain Japanese subjects in Manchuria have recently been observed to sometimes interfere with

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the local Chinese administration and to inflict damage to public and private property of China.

"The Japanese plenipotentiaries, considering that, should such interference and infliction of damage have been carried beyond military necessity, they are not proper acts, declare that they will communicate the purport of the above declaration of the Chinese Government to the Government of Japan, so that proper steps may be taken for controlling Japanese subjects in the province of Fengtien and promote the friendly relations between the two nations, and also for preventing them in future, from interfering with the Chinese administration or inflicting damage to public or private property without military necessity.

"12. In regard to any public or private property of China which may have been purposely destroyed or used by Japanese subjects without any military necessity, the Governments of the two countries shall respectively make investigations and cause fair reparation to be made.

"13. When the Chinese local authorities intend to despatch troops for the purpose of subduing native bandits in the regions not yet completely evacuated by Japanese troops, they shall not fail to previously consult with the Commander of the Japanese troops stationed in those regions so that all misunderstandings may be avoided.

"14. The Japanese plenipotentiaries declare that the railway guards stationed between Changchun and the boundary line of the leased territory of Port Arthur and Talien, shall not be allowed, before their withdrawal, to unreasonably interfere with the local administration of China or to proceed without permission beyond the limits of the rail-

PURL: <http://www.legal-tools.org/doc/785d98/>

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"15. Chinese local authorities, who are to reside at Inkou, shall be allowed, even before the withdrawal of the Japanese troops, to proceed to that place and transact their official business. The date of their departure is to be determined, as soon as possible after the definite conclusion of this Treaty, by the Japanese Minister to China in consultation with the Waiwupu. As there is still in that place a considerable number of Japanese troops, quarantine regulations as well as regulations for the prevention of contagious diseases, shall be established by the authorities of the two countries in consultation with each other so that epidemics may be avoided.

"16. The revenue of the Maritime Customs at Yingkou shall be deposited with the Yokohama Specie Bank and delivered to the Chinese local authorities at the time of evacuation. As to the revenue of the native customs at that place and the taxes and imposts at all other places, which are to be appropriated for local expenditures, a statement of receipts and expenditures shall be delivered to the Chinese local authorities at the time of evacuation."

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*15. Chinese local authorities, who are to reside at Inkou, shall be allowed, even before the withdrawal of the Japanese troops, to proceed to that place and transact their official business. The date of their departure is to be determined, as soon as possible after the definite conclusion of this Treaty, by the Japanese Minister to China in consultation with the Chinese authorities. As there is still in that place a considerable number of Japanese troops, quarantine regulations as well as regulations for the prevention of contagious diseases, shall be established by the authorities of the two countries in consultation with each other so that epidemics may be avoided.

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C E R T I F I C A T E

Statement of Source and Authenticity

I, Hayashi, Kacru, Chief of the Archives Section, Japanese Foreign Office, hereby certify that the document hereto attached in English consisting of 5 pages and entitled "Summary of alleged Secret Protocols to Sino-Japanese Treaty of December 22, 1905." is an exact and true excerpt from "Treaties and Agreements with and Concerning China 1894-1919 MacMurray volume I Manchu Period (1894-1911)" in the custody of Japanese Foreign Office.

Certified at Tokyo,
on this 18th day of March 1947.

/s/ K. Hayashi
Signature of Official

Witness : /s/ K. Urabe

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所謂千九百五年十二月二十二日ノ
日清條約附屬秘密議定書要領

「マクマレー」條約集ヨリ譯ス

前 文

滿洲ニ關シ日本國全權委員及清國全權委員間ニ最近謁見セラ
レタル會經ノ議定書ハ清國政府ノ希望ニ基キ嚴重ニ秘密ヲ保
ツヘキモノナルニ因リ右議定書ノ實施協定タルノ性質ヲ有ス
ルヲ分ノミノ概要ヲ示スコト左ノ如シ

吉長鐵道

一、夏春及吉林間ノ鐵道ハ清國其ノ自ラ募集シタル資金ヲ以
テ之ヲ建設スヘシ但シ清國ハ所要全額ノ約二分ノ一ニ相當
スル資金ノ不足額ヲ日本ヨリ借入ルコトニ同意ス

新奉鐵道

二、日本國ノ建設シタル奉天及新民屯間ノ鐵道ハ清國ニ之ヲ
讓渡スヘク其ノ價額ハ兩國政府ノ之カ爲任令スル率額協定
ノ上公正ニ之ヲ決定スヘキモノトス清國ハ之ヲ自國ノ鐵道
ト爲シ以テ線路ヲ改築スルコト並遼河以東ノ線路ニ要スル

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經濟鐵道

清韓平行鐵道ノ禁止

資金ノ半額ヲ年賦償還十八年ノ間四ヲ以テ日本ノ合社ヨリ
借入ルルコトヲ拘シ且之カ爲契約ヲ締結スヘクセノ目的ハ
北清鐵路局及英清合社間ニ締結セラレタル借款契約ニ必要
ナル額更ヲ加ヘタルモノタルヘシ
各地方ニ於ケル其ノ地ノ一切ノ費用償還ハ當該地方ノ算除
勘課ト共ニ之ヲ撤去スヘシ

三、南滿洲鐵道ノ利息ヲ償還スル爲管理費等ハ該地方右鐵道

ヲ回收スル以前ニ於テハ右鐵道ノ附近ニ於テ之ハ之ト平行
シテ其ノ利息ヲ償フヘキ金額又ハ支拂ヲ檢點セサルコトヲ
細ス

四、清韓ハ滿洲北部ニ於テ其ノ引付キ保有スル鐵道ニ關ス

ル經濟條約ヲ締結カ息實ニ遵守スルコトヲ確保スル爲充分
ナル設備ヲ設ルコト並該條約カ右條約ノ規定ニ違反スル行動
ヲ採ル場合ニ於テハ清韓ハ右ノ行動ヲ充分防止スルノ目的
ヲ以テ自ら費額ニ關シト交渉スルコトヲ宣誓ス

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鐵道營業規程ニ於
ケル支那ノ參加

奉天省ニ於ケル鐵
道

鐵道營業規程ニ於
ケル取極

陸軍部規則

松花江航行

- 五、將來ニ於テ鐵道營業規程ニ關シ日露兩國ニ交渉ヲ
開始スルトキハ（日露兩國條約第八條）日本國ハ海關ニ豫
告ヲ與フヘシ海關ハ同國カ右ノ場合ニ於テ容易ヲ派遣シテ
該交渉ニ參加セシムルノ希望ヲ有スルコトヲ露國ニ通告ス
ヘク露國之ニ同意シタルトキハ右ノ交渉ニ參加スヘシ
- 六、奉天省ニ於ケル鐵道營業規程ノ制定ハ其ノ既ニ作業
中ナルト否トヲ問ハス公正ニシテ詳細ナル取極ヲ協定シ相
互ニ之ヲ遵守スヘシ
- 七、右鐵道營業規程ニ關シアル事項並奉天省ニ於ケル電信線及松
芝梁間ノ海底電信線ニ關スル共同事項ノ事項ハ必要ノ生ス
ルニ從ヒ隨時兩國ニ於テ協議ノ上之ヲ取極ムヘシ
- 八、滿洲ニ於テ開カルヘキ都市ニ關スル規則ハ兩國自ラ之ヲ
制定スヘシ但シ滿洲駐留日本國公使ハ其前ニ條件ニ關シ協
議ヲ受クヘキモノトス
- 九、松花江ノ航行（日本船ニ依ル）ニ關シ露國ハヨリ松花江ノ

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清洲ニ於ケル支那
ノ治安保持

日本ノ支那利益
ノ侵害

提起ナキトキハ清洲ハ交渉ノ上右ノ執行ニ同意スヘシ

十、清洲全權委員ハ日本軍及清洲軍ノ清洲停戦後清洲ナク清
洲カ敵地方ニ於ケル公安ヲ保障スル爲メノ主權ニ基キ充分
ナル施設上ノ措置ヲ執ルコトヲ要シスヘク且右主權ニ基キ
勢ヲ助長シ難ヲ除去シ故地ヲ戻リ秩序ニ秩序ヲ恢復スル爲
努力スヘク以テ敵地方ノ居住者ヲシテ甘ノ自國人タルトヲ
問ハス均等ニ清洲政府ノ完全ナル保護ノ下ニ生命及職業ノ
保全ヲ享受スルヲ得シムルコトヲ宣言ス

十一、日清停戦間ニ於テハ現在ト同シク親交關係ノ存シタリ
シモ日清停戦ハ不幸ニシテ停戦ヲ得シ清洲停戦域内ニ於テ更
戦シタリ然レトモ今ヤ平和克復シテ清洲ニ於ケル停戦行為
ハ終結シタリ而シテ日本軍力其ノ撤退前ニ於テ實事占領
ヨリ生スル權利ヲ行使スルノ機能ヲ有スルコトハ之ヲ否認
スルヲ待スト雖モ清洲政府ハ清洲在留日本臣民中ニ清洲ノ
地方施設ニ時トシテ干渉シ且清洲ノ公私有財産ニ損害ヲ與

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財産ノ損害ニ對ス
ル賠償土民討伐軍ト日本
軍トノ協議

朝鮮守備隊

ヘタルモノアルコト最近ニ於テ觀メラレタルコトヲ宣言ス
右ノ干涉スルコト及損害ヲ與フルコトカ實事上ノ必要ヲ超
エテ行ハレタルトキハ右ハ適當ノ行爲ニ非サルニ因リ日本
領土委員ハ清國政府ノ前項ノ宣言ノ趣旨ヲ日本國政府ニ
通告シ以テ奉天省ニ於ケル日本臣民ヲ統制シ且兩國間ノ親
交關係ヲ増進シ又日本臣民ヲシテ將來ニ於テ實事上ノ必要
ナクシテ清國ノ施設ニ干涉シ又ハ公私有財産ニ損害ヲ加ヘ
サラシムル爲適當ノ措置ヲ執ルヲ得シムヘシ

十二、軍事上ノ必要ナクシテ日本臣民ノ故意ニ破壊シ又ハ使
用シタル清國ノ公私有財産ニ關シテハ兩國政府ハ相互ニ調
査ヲ爲スヘク且公正ナル賠償ヲ爲スヘシ

十三、清國地方官憲カ日本軍隊ノ未タ完全ニ撤退セサル諸地
方ニ於ケル土民討伐ノ爲軍隊ヲ派遣セムトスルトキハ右官
憲ハ該地方ニ駐在スル日本軍隊ノ司令官ト豫メ協議ヲ遂ケ
以テ一切ノ解釋ヲ避クルコトヲ要ス

十四、日本國全權委員ハ長春ト旅順大連租借地境界トノ間ニ

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駐在スル鐵道守備隊カ其ノ撤退前ニ於テ清國ノ地方施政ニ不當ニ干涉シ又ハ鐵道附屬地外ニ進出スルヲ得サルコトヲ宣言ス

支那官憲ノ移轉 十五、營口ニ所在スヘキ清國ノ地方官憲ハ日玄軍隊撤退前ト

雖右ノ地ニ移轉シテ其ノ公發ヲ執ルコトヲ得ヘシ

右ノ移轉ノ日ハ本條約ノ確定締結後能フ限リ速ニ清國駐劄

日本駐公使外交部ト協議ノ上之ヲ決定スヘキモノト該地ニ

ハ猶多量ノ日本軍隊駐在スルニ依リ兩國ノ官憲ハ相互ニ協

調シタル上檢疫規則及傳染病豫防規則ヲ設ケ以テ流行病ヲ

避クルコトトスヘシ

營口海關收入

十六、營口海關ノ收入ハ積滙正金銀行ニ之ヲ預入レ且撤退ノ

際清國地方官憲ニ之ヲ引渡スヘシ地方官ニ充當セラルヘキ

該地方ノ常關收入及其ノ他ノ一切ノ地方ノ租稅ニ關シテハ

撤退ノ際收入及支出ノ説明書ヲ支那地方官憲ニ引渡スヘシ